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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

15

Application Number

09/722,070

Filing Date

November 24, 2000

First Named Inventor

Brian E. Kelleher

Art Unit

3744

Examiner Name

William Doerrier

Attorney Docket Number

028US1

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☐

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐

Reply to Missing Parts

under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a

Provisional Application

☐

Power of Attorney, Revocation

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

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CD, Number of CD(s) _____

☐ Landscape Table on CD☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

Return Postcard

Remarks"Amendment/Reply" is Amendment and Request to Reopen Prosecution under 37 CFR 41.50(b)
(1) (13 pages).**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

NuVasive, Inc.

Signature

Printed name

Jonathan Spangler

Date

January 17, 2006

Reg. No.

40,182

CERTIFICATE OF TRANSMISSION/MAILING

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Jonathan Spangler

Date

January 17, 2006

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PATENT
Application Serial No. 09/722,070
Attorney Ref. No. 028US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of)
)
Brian S. Kelleher et al.) Group Art Unit: 3744
)
App. Ser. No. 09/722,070)
) Examiner: William Charles Doerrler
Filed: November 24, 2000)
)
For: ELECTROMYOGRAPHY SYSTEM)
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 17, 2006:

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AMENDMENT AND REQUEST TO REOPEN
PROSECUTION UNDER 37 CFR 41.50(b)(1)

Mail Stop: Appeal Briefs - Patents
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P.O. Box 1450
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Dear Sir(s):

In response to the Decision on Appeal mailed November 15, 2005 in the above-captioned application, Applicants respectfully request that the application be amended as follows as part of this Request to Reopen Prosecution under 37 CFR 41.50(b)(1):